

T H E
CONSTITUTION
Eight Years
O F T H E
S T A T E
O F
N E W - Y O R K.

PHILADELPHIA:

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M D C C L X X V I I .



The CONSTITUTION, &c.

WHEREAS the many tyrannical and Recital.
oppressive usurpations of the King and
Parliament of Great-Britain, on the rights and
liberties of the people of the American colonies,
had reduced them to the necessity of introducing
a government by Congresses and Committees,
as temporary expedients, and to exist no longer
than the grievances of the people should remain
without redress.

AND WHEREAS the Congress of the
colony of New-York, did on the thirty-first day
of May now last past, resolve as follows, *viz.*

“ **WHEREAS** the present government of Act of
this colony, by Congress and Committees, was Congress
instituted while the former government, under of New-
the crown of Great-Britain, existed in full force; York,
and was established for the sole purpose of op-
posing the usurpation of the British Parliament,
and was intended to expire on a reconciliation
with Great-Britain, which, it was then appre-
hended, would soon take place, but is now con-
sidered as remote and uncertain,

“ **AND WHEREAS** many and great in-
conveniences attend the said mode of govern-
ment by Congress and Committees, as of ne-
cessity, in many instances, legislative, judicial,
and executive powers have been vested therein,
especially since the dissolution of the former go-
vernment by the abdication of the late Governor,

and the exclusion of this colony from the protection of the King of Great-Britain.

“ AND WHEREAS the Continental Congress did resolve as followeth, *to wit,*

Resolution
of Continental
Congress,
recommending
government to be
instituted
by the assemblies
and conventions.

‘ WHEREAS his Britannic Majesty, in
‘ conjunction with the Lords and Commons of
‘ Great-Britain, has, by a late Act of Parlia-
‘ ment, excluded the inhabitants of these United
‘ Colonies from the protection of his crown.---
‘ And whereas no answers whatever, to the hum-
‘ ble petition of the colonies for redress of griev-
‘ ances and reconciliation with Great-Britain,
‘ has been, or is likely to be given, but the whole
‘ force of that kingdom, aided by foreign mer-
‘ cenaries, is to be exerted for the destruction of
‘ the good people of these Colonies.-----And
‘ whereas it appears absolutely irreconcilable to
‘ reason and good conscience, for the people of
‘ these colonies, *now* to take the oaths and affirm-
‘ ations necessary for the support of any govern-
‘ ment under the crown of Great-Britain; and it
‘ is necessary that the exercise of every kind of
‘ authority under the said crown should be totally
‘ suppressed, and all the powers of government
‘ exerted under the authority of the people of the
‘ colonies, for the preservation of internal peace,
‘ virtue and good order, as well as for the defence
‘ of our lives, liberties, and properties, against
‘ the hostile invasions, and cruel depredations
‘ of our enemies.

‘ Therefore, RESOLVED, That it be re-
‘ commended to the respective assemblies and
‘ conventions of the United Colonies, where no
‘ government sufficient to the exigencies of their
‘ affairs has been hitherto established, to adopt
‘ such

such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.'

" AND WHEREAS doubts have arisen whether this Congress are invested with sufficient power and authority to deliberate and determine on so important a subject as the necessity of erecting and constituting a new form of government and internal police, to the exclusion of all foreign jurisdiction, dominion and controul whatever.--- And whereas it appertains of right solely to the people of this colony to determine the said doubts, Therefore

" RESOLVED, That it be recommended to the electors in the several counties in this colony, by election in the manner and form prescribed for the election of the present Congress, either to authorize (in addition to the powers vested in this Congress) their present deputies, or others in the stead of their present deputies, or either of them, to take into consideration the necessity and propriety of instituting such new government as in and by the said resolution of the Continental Congress is described and recommended: And if the majority of the counties, by their deputies in Provincial Congress, shall be of opinion that such new government ought to be instituted and established; then to institute and establish such a government as they shall deem best calculated to secure the rights, liberties and happiness of the good people of this colony; and to continue in force until a future peace with Great-Britain shall render the same unnecessary. And

Recommendation of Congress of New-York, to the electors of that state, to consider of the propriety of instituting a new form of government.

" RE-

Time and
place for
electing
deputies.

“ RESOLVED, That the said elections in the several counties, ought to be had on such day and at such place or places, as by the Committee of each county respectively shall be determined.-----And it is recommended to the said Committees, to fix such early days for the said elections, as that all the deputies to be elected, have sufficient time to repair to the city of New-York by the second Monday in July next; on which day all the said deputies ought punctually to give their attendance.

“ AND WHEREAS the object of the foregoing resolutions is of the utmost importance to the good people of this colony,---

“ RESOLVED, That it be, and it is hereby earnestly recommended to the Committees, freeholders, and other electors in the different counties in this colony, diligently to carry the same into execution.”

The Con-
vention of
New York
impower'd
for the
purposes of
instituting
govern-
ment.

AND WHEREAS the good people of the said colony, in pursuance of the said resolution, and reposing special trust and confidence in the members of this Convention, have appointed, authorized and empowered them for the purposes, and in the manner, and with the powers in and by the said resolve specified, declared and mentioned.

AND WHEREAS the delegates of the United American States, in general Congress convened, did on the fourth day of July now last past, solemnly publish and declare, in the words following, *viz.*

“ WHEN

“ WHEN in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

The declaration of the independence of the United States by Congress.

“ We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.--That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence indeed will dictate, that governments long established should not be changed for light and transient causes, and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of the colonies; and such is now the necessity

Principles of liberty.

necessity which constrains them to alter their former system of government. The history of the present King of Great-Britain, is a history of repeated injuries and usurpations, all having in direct object, the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

Griev-
ances.

“ He has refused his assent to laws, the most wholesome and necessary for the public good.

“ He has forbidden his Governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

“ He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only.

“ He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

“ He has dissolved representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

“ He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

“ He has endeavoured to prevent the population of these States; for that purpose obstruct-
ing

ing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

“ He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

“ He has made judges dependant on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

“ He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

“ He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

“ He has affected to render the military independent of, and superior to, the civil power.

“ He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation,

“ For quartering large bodies of troops among us:

“ For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States:

“ For cutting off our trade with all parts of the world:

“ For imposing taxes on us without our consent:

“ For depriving us, in many cases, of the benefits of trial by jury:

“ For transporting us beyond seas to be tried for pretended offences:

“ For abolishing the free system of English laws in a neighbouring province, establishing
B therein

therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

“ For taking away our Charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

“ For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

“ He has abdicated government here, by declaring us out of his protection, and waging war against us.

“ He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

“ He is, at this time, transporting large armies of foreign mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

“ He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

“ He has excited domestic insurrections among us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

“ In every stage of these oppressions we have petitioned for redress in the most humble terms:
Our

Our repeated petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

“ Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connection and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them as we hold the rest of mankind, enemies in war; in peace, friends.

Conciliatory measures used to prevent a separation.

“ We, therefore, the Representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS assembled, appealing to the Supreme Judge of the world, for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, FREE AND INDEPENDANT STATES; that they are absolved from all allegiance to the British crown, and that all political connection, between them and the State of Great-Britain, is and ought to be totally dissolved; and that as FREE AND INDEPENDANT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce,

The declaration.

commerce, and to do all other acts and things, which INDEPENDANT STATES may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honour."

The reasons and declaration approved by Convention.

AND WHEREAS this Convention having taken this declaration into their most serious consideration, did, on the ninth day of July last past, unanimously resolve that the reasons assigned by the Continental Congress, for declaring the United Colonies free and independant States, are cogent and conclusive: And that while we lament the cruel necessity which has rendered that measure unavoidable, we approve the same, and will at the risque of our lives and fortunes, join the other Colonies in supporting it.

The power of Convention to institute a government.

By virtue of which several acts, declarations and proceedings mentioned and contained in the afore-recited resolves or resolutions of the General Congress of the United American States, and of the Congresses or Conventions of this State, all power whatever therein hath reverted to the people thereof, and this Convention hath by their suffrages and free choice, been appointed, and among other things, authorized to institute and establish such a government, as they shall deem best calculated to secure the rights and liberties of the good people of this State, most conducive to the happiness and safety of their constituents in particular, and of America in general.

No authority to be exercised,

I. This Convention therefore, in the name and by the authority of the good people of this State, doth ORDAIN, DETERMINE and DE-

DECLARE, that no authority shall, on any but such as
 pretence whatever, be exercised over the people shall be
 or members of this State, but such as shall be granted by
 derived from and granted by them. the people.

II. This Convention doth further, in the Supreme
 name and by the authority of the good people of legislative
 this State, ORDAIN, DETERMINE and power
 DECLARE, that the supreme legislative vested in a
 power, within this State, shall be vested in two Senate and
 separate and distinct bodies of men; the one to Assembly.
 be called the Assembly of the State of New-York;
 the other to be called the Senate of the State of
 New-York; who together shall form the legisla-
 ture, and meet once at least in every year for the
 dispatch of business.

III. AND WHEREAS, Laws inconsistent
 with the spirit of this constitution, or with the
 public good, may be hastily and unadvisedly
 passed; BE IT ORDAINED, that the Go- A council
 vernor for the time being, the Chancellor and the of revision
 Judges of the Supreme Court, or any two of to consider
 them, together with the Governor, shall be, and bills before
 hereby are, constituted a Council to revise all bills they shall
 about to be passed into laws by the legislature. be passed
 And for that purpose shall assemble themselves, into laws.
 from time to time, when the legislature shall be
 convened; for which nevertheless, they shall not
 receive any salary or consideration, under any
 pretence whatever. And that all bills, which Their of-
 have passed the Senate and Assembly, shall, be- fice defined
 fore they become laws, be presented to the said
 Council for their revial and consideration; and
 if upon such revision and consideration, it should
 appear improper to the said Council, or a major-
 ity of them, that the said bill should become a

law of this State, that they return the same, together with their objections thereto, in writing, to the Senate, or House of Assembly, in whichsoever the same shall have originated, who shall enter the objections sent down by the Council, at large, in their minutes, and proceed to re-consider the said bill. But if after such re-consideration, two thirds of the said Senate or House of Assembly, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be re-considered, and if approved by two thirds of the members present, shall be a law.

And in order to prevent any unnecessary delays,
BE IT FURTHER ORDAINED, that if any bill shall not be returned by the Council, within ten days after it shall have been presented, the same shall be a law, unless the legislature shall, by their adjournment, render a return of the said bill within ten days impracticable; in which case the bill shall be returned on the first day of the meeting of the legislature, after the expiration of the said ten days.

IV. That the Assembly shall consist of at least seventy members, to be annually chosen in the several counties in the proportions following, *viz.*

| | |
|--------------------------------------|--------|
| For the city and county of New-York, | nine; |
| The city and county of Albany, | ten; |
| The county of Dutchess, | seven; |
| The county of West-Chester, | six; |
| The county of Ulster, | six; |
| The county of Suffolk, | five; |
| The county of Queens, | four; |
| | For |

Bill not
returned
by Council
in 10 days,
to be a law.

The Assembly to
consist of
seventy
members,
distributed
among the
cities and
counties.

| | |
|---------------------------|--------|
| For the county of Orange, | four; |
| The county of Kings, | two; |
| The county of Richmond, | two; |
| The county of Tryon, | fix; |
| The county of Charlotte, | four; |
| The county of Cumberland, | three; |
| The county of Gloucester, | two. |

V. That as soon after the expiration of seven years, subsequent to the termination of the present war as may be, a Census of the electors and inhabitants in this State be taken, under the direction of the legislature. And if on such Census, it shall appear, that the number of representatives in Assembly from the said counties, is not justly proportioned to the number of electors in the said counties respectively, that the legislature do adjust and apportion the same by that rule. And further, that once in every seven years, after the taking of the said first Census, a just account of the electors resident in each county shall be taken; and if it shall thereupon appear, that the number of electors in any county, shall have encreased or diminished one or more seventieth parts of the whole number of electors, which on the said first Census shall be found in this State, the number of representatives for such county shall be encreased or diminished accordingly, that is to say, one representative for every seventieth part as aforesaid.

After 7 years subsequent to the war, a Census to be taken, and the representation regulated accordingly. For the like purpose, a Census to be taken every 7 years thereafter.

VI. AND WHEREAS, an opinion hath long prevailed among divers of the good people of this State, that voting at elections by Ballot, would tend more to preserve the liberty and equal freedom of the people, than voting *viva voce*. To the end therefore, that a fair experiment be made,

made, which of those two methods of voting is to be preferred:

All elections after the termination of the war, to be by Ballot.

BE IT ORDAINED, that as soon as may be, after the termination of the present war, between the United States of America and Great-Britain, an act, or acts be passed by the legislature of this State, for causing all elections thereafter to be held in this State, for Senators and Representatives in assembly, to be by Ballot, and directing the manner in which the same shall be conducted. AND WHEREAS, it is possible, that after all the care of the legislature, in framing the said act or acts, certain inconveniences and mischiefs, unforeseen at this day, may be found to attend the said mode of electing by Ballot:

But may be abolished by the legislature; two thirds of each house concurring.

IT IS FURTHER ORDAINED, that if after a full and fair experiment shall be made of voting by Ballot aforesaid, the same shall be found less conducive to the safety or interest of the State, than the method of voting *viva voce*, it shall be lawful and constitutional for the legislature to abolish the same; provided two thirds of the members present in each House, respectively shall concur therein: And further, that, during the continuance of the present war, and until the legislature of this State shall provide for the election of Senators and Representatives in assembly by Ballot, the said elections shall be made *viva voce*.

Qualification of electors for representatives in assembly.

VII. That every male inhabitant of full age, who shall have personally resided within one of the counties of this State, for six months immediately preceding the day of election, shall, at such

such election, be entitled to vote for representatives of the said county in assembly; if during the time aforesaid, he shall have been a Freeholder, possessing a Freehold of the value of twenty pounds, within the said county, or have rented a tenement therein of the yearly value of forty shillings, and been rated and actually paid taxes to this State: Provided always, that every person who now is a freeman of the city of Albany, or who was made a freeman of the city of New-York, on or before the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, and shall be actually and usually resident in the said cities respectively, shall be entitled to vote for Representatives in assembly within his said place of residence.

VIII. That every elector, before he is admitted to vote, shall, if required by the returning officer or either of the inspectors, take an oath, or if of the people called Quakers, an affirmation, of allegiance to the State. To take the oath of allegiance, if required.

IX. That the assembly thus constituted shall chuse their own Speaker, be judges of their own members, and enjoy the same privileges and proceed in doing business, in like manner as the assemblies of the colony of New-York of *right* formerly did; and that a majority of the said members shall, from time to time, constitute a House to proceed upon business. Privileges of the assembly.

X. And this Convention doth further, in the name and by the authority of the good people of this State, ORDAIN, DETERMINE and DECLARE, that the Senate of the State of New-York shall consist of twenty-four freehold-

made, which of those two methods of voting is to be preferred:

All elections after the termination of the war, to be by Ballot.

BE IT ORDAINED, that as soon as may be, after the termination of the present war, between the United States of America and Great-Britain, an act, or acts be passed by the legislature of this State, for causing all elections thereafter to be held in this State, for Senators and Representatives in assembly, to be by Ballot, and directing the manner in which the same shall be conducted. AND WHEREAS, it is possible, that after all the care of the legislature, in framing the said act or acts, certain inconveniences and mischiefs, unforeseen at this day, may be found to attend the said mode of electing by Ballot:

But may be abolished by the legislature; two thirds of each house concurring.

IT IS FURTHER ORDAINED, that if after a full and fair experiment shall be made of voting by Ballot aforesaid, the same shall be found less conducive to the safety or interest of the State, than the method of voting *viva voce*, it shall be lawful and constitutional for the legislature to abolish the same; provided two thirds of the members present in each House, respectively shall concur therein: And further, that, during the continuance of the present war, and until the legislature of this State shall provide for the election of Senators and Representatives in assembly by Ballot, the said elections shall be made *viva voce*.

Qualification of electors for representatives in assembly.

VII. That every male inhabitant of full age, who shall have personally resided within one of the counties of this State, for six months immediately preceding the day of election, shall, at such

such election, be entitled to vote for representatives of the said county in assembly; if during the time aforesaid, he shall have been a Freeholder, possessing a Freehold of the value of twenty pounds, within the said county, or have rented a tenement therein of the yearly value of forty shillings, and been rated and actually paid taxes to this State: Provided always, that every person who now is a freeman of the city of Albany, or who was made a freeman of the city of New-York, on or before the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, and shall be actually and usually resident in the said cities respectively, shall be entitled to vote for Representatives in assembly within his said place of residence.

VIII. That every elector, before he is admitted to vote, shall, if required by the returning officer or either of the inspectors, take an oath, or if of the people called Quakers, an affirmation, of allegiance to the State. To take the oath of allegiance, if required.

IX. That the assembly thus constituted shall chuse their own Speaker, be judges of their own members, and enjoy the same privileges and proceed in doing business, in like manner as the assemblies of the colony of New-York of *right* formerly did; and that a majority of the said members shall, from time to time, constitute a House to proceed upon business. Privileges of the assembly.

X. And this Convention doth further, in the name and by the authority of the good people of this State, ORDAIN, DETERMINE and DECLARE, that the Senate of the State of New-York shall consist of twenty-four freeholders, in the Senate to consist of 24 members.

How to be chosen. ers, to be chosen out of the body of the freeholders, and that they be chosen by the freeholders of this State, possessed of freeholds of the value of one hundred pounds, over and above all debts charged thereon.

To serve 4 years, divided into classes; seats to be vacated, so that one fourth part shall be annually chosen. XI. That the members of the Senate be elected for four years, and immediately after the first election, they be divided by lot into four classes, six in each class, and numbered one, two, three and four; that the seats of the members of the first class shall be vacated at the expiration of the first year, the second class the second year, and so on continually, to the end that the fourth part of the Senate, as nearly as possible, may be annually chosen.

Manner of electing Senators. XII. That the election of Senators shall be after this manner; that so much of this State as is now parcelled into counties, be divided into four great districts; the southern district to comprehend the city and county of New-York, Suffolk, Westchester, Kings, Queens and Richmond counties; the middle district to comprehend the counties of Dutchess, Ulster and Orange; the western district the city and county of Albany, and Tryon county; and the eastern district, the counties of Charlotte, Cumberland and Gloucester. That the Senators shall be elected by the freeholders of the said districts, qualified as aforesaid, in the proportions following, *to wit*, in the southern district nine, in the middle district six, in the western district six, and in the eastern district three. And BE IT ORDAINED, that a Census shall be taken as soon as may be, after the expiration of seven years from the termination of the present war, under the direction

Census to be taken to proportion the Senators to the districts.

rection of the legislature: And if on such Census it shall appear, that the number of Senators is not justly proportioned to the several districts, that the legislature adjust the proportion as near as may be, to the number of freeholders qualified as aforesaid, in each district. That when the number of electors, within any of the said districts, shall have increased one twenty-fourth part of the whole number of electors, which, by the said Census, shall be found to be in this State, an additional Senator shall be chosen by the electors of such district. That a majority of the number of Senators to be chosen as aforesaid, shall be necessary to constitute a Senate, sufficient to proceed upon business, and that the Senate shall in like manner with the assembly, be the judges of its own members. And BE IT ORDAINED, that it shall be in the power of the future legislatures of this State, for the convenience and advantage of the good people thereof, to divide the same into such further and other counties and districts, as shall to them appear necessary.

An additional Senator to be chosen, when a district shall increase 1-24th of the State. Majority to constitute a Senate.

Power to lay out further counties and districts.

XIII. And this Convention doth further, in the name and by the authority of the good people of this State, ORDAIN, DETERMINE and DECLARE, that no member of this State shall be disfranchised, or deprived of any of the rights or privileges secured to the subjects of this State, by this constitution, unless by the law of the land, or the judgment of his peers.

No member to be disfranchised but by law.

XIV. That neither the assembly or the senate shall have power to adjourn themselves for any longer time than two days, without the mutual consent of both.

No adjournment for longer than 2 days without consent of both houses.

When they disagree, a conference shall be held, and the manner of holding it. Doors to be open, and Journals published.

XV. That whenever the Assembly and Senate disagree, a conference shall be held in the presence of both, and be managed by Committees to be by them respectively chosen by ballot. That the doors both of the Senate and Assembly shall at all times be kept open to all persons, except when the welfare of the State shall require their debates to be kept secret. And the Journals of all their proceedings shall be kept in the manner heretofore accustomed by the General Assembly of the colony of New-York, and except such parts as they shall as aforesaid, respectively determine not to make public, be from day to day (if the business of the legislature will permit) published.

Limitation of the number of Senators and Representatives in Assembly.

XVI. It is nevertheless provided, that the number of Senators shall never exceed one hundred, nor the number of Assembly three hundred; but that whenever the number of Senators shall amount to one hundred, or of the Assembly to three hundred, then and in such case, the legislature shall from time to time thereafter, by laws for that purpose, apportion and distribute the said one hundred Senators and three hundred Representatives, among the great districts and counties of this State in proportion to the number of their respective electors; so that the representation of the good people of this State, both in the Senate and Assembly, shall for ever remain proportionate and adequate.

The supreme executive power vested in a Governor, to be chosen every three years.

XVII. And this Convention doth further, in the name and by the authority of the good people of this State, ORDAIN, DETERMINE and DECLARE, that the supreme executive power and authority of this State shall be vested in a Governor; and that statedly once in every three

three years, and as often as the seat of government shall become vacant, a wise and discreet freeholder of this State shall be by ballot elected Governor, by the freeholders of this State, qualified as before described to elect Senators; which elections shall be always held at the times and places of chusing representatives in assembly for each respective county; and that the person who hath the greatest number of votes within the said State, shall be Governor thereof.

Qualification of electors.
Time and place of election.

XVIII. That the Governor shall continue in office three years, and shall, by virtue of his office, be General and Commander in Chief of all the militia, and Admiral of the navy of this State; that he shall have power to convene the Assembly and Senate on extraordinary occasions, to prorogue them from time to time, provided such prorogations shall not exceed sixty days in the space of any one year; and at his discretion to grant reprieves and pardons to persons convicted of crimes, other than treason or murder, in which he may suspend the execution of the sentence, until it shall be reported to the legislature at their subsequent meeting; and they shall either pardon or direct the execution of the criminal, or grant a further reprieve.

His powers.

XIX. That it shall be the duty of the Governor to inform the legislature, at every session, of the condition of the State, so far as may respect his department; to recommend such matters to their consideration as shall appear to him to concern its good government, welfare and prosperity; to correspond with the Continental Congress, and other States; to transact all necessary business with the officers of government, civil and military.

And duties.

tary; to take care that the laws are faithfully executed to the best of his ability; and to expedite all such measures as may be resolved upon by the legislature.

Lieutenant Governor.

XX. That a Lieutenant-Governor shall, at every election of a Governor, and as often as the Lieutenant-Governor shall die, resign, or be removed from office, be elected in the same manner with the Governor, to continue in office, until the next election of a Governor; and such Lieutenant-Governor shall, by virtue of his office, be President of the Senate, and, upon an equal division, have a casting voice in their decisions, but not vote on any other occasion.

Manner of election.

To be President of the Senate.

His office as Lieutenant-Governor.

And in case of the impeachment of the Governor or his removal from office, death, resignation or absence from the State, the Lieutenant-Governor shall exercise all the power and authority appertaining to the office of Governor, until another be chosen, or the Governor absent, or impeached, shall return or be acquitted. Provided that where the Governor shall, with the consent of the legislature, be out of the State, in time of war, at the head of a military force thereof, he shall still continue in his command of all the military force of this State, both by sea and land.

When Lieutenant Governor administers Government, Senators to elect one of their members

XXI. That whenever the Government shall be administered by the Lieutenant-Governor or he shall be unable to attend as President of the Senate, the Senators shall have power to elect one of their own members to the office of President of the Senate, which he shall exercise *pro hac vice*. And if, during such vacancy of the office of Governor, the Lieutenant-Governor shall be

be impeached, displaced, resign, die or be absent from the State, the President of the Senate shall in like manner as the Lieutenant-Governor, administer the government, until others shall be elected by the suffrage of the people at the succeeding election.

to be President, who, in case of a vacancy, shall administer the government.

XXII. And this Convention doth further, in the name and by the authority of the good people of this State, ORDAIN, DETERMINE and DECLARE, that the Treasurer of this State shall be appointed by act of the legislature, to originate with the assembly: Provided that he shall not be elected out of either branch of the legislature.

Appointment of Treasurer.

XXIII. That all officers, other than those, who by this constitution are directed to be otherwise appointed, shall be appointed in the manner following, *to wit*, The assembly shall, once in every year, openly nominate and appoint one of the Senators from each great district, which Senators shall form a council for the appointment of the said officers, of which the Governor for the time being, or the Lieutenant-Governor, or the President of the Senate, when they shall respectively administer the government, shall be President and have a casting voice, *but no other vote*; and with the advice and consent of the said council, shall appoint all the said officers; and that a majority of the said council be a quorum. And further, the said Senators shall not be eligible to the said council for two years successively.

Manner of appointing other officers by the Governors and council of appointment

XXIV. That all military officers be appointed during pleasure; that all commissioned officers, civil and military, be commissioned by the Governor,

Military officers, during pleasure.

Chancel- Governor, and that the Chancellor, the Judges
 lor, Judges of the supreme court, and first Judge of the
 of supreme county court in every county, hold their offices
 court, and during good behaviour, or until they shall have
 first Judge respectively attained the age of sixty years.
 of county
 court, dur-
 ing good
 behaviour.

Disqualifi- XXV. That the Chancellor and Judges of the
 ed from supreme court, shall not at the same time hold
 holding o- any other office, excepting that of Delegate to the
 ther offices General Congress, upon special occasions; and
 with some that the first Judges of the county courts in the
 exceptions several counties, shall not at the same time hold
 any other office, excepting that of Senator, or
 Delegate to the General Congress: But if the
 Chancellor or either of the said Judges be elect-
 ed or appointed to any other office, excepting as
 is before excepted, it shall be at his option in
 which to serve.

Sheriffs
 and Coro-
 ners.

XXVI. That Sheriffs and Coroners be annu-
 ally appointed; and that no person shall be ca-
 pable of holding either of the said offices more
 than four years successively, nor the Sheriff of
 holding any other office at the same time.

Registers
 and clerks
 in chance-
 ry, clerks
 of supreme
 court,
 court of
 probates,
 register
 and mar-
 shal of ad-
 miralty,
 their pow-
 ers.

XXVII. AND BE IT FURTHER OR-
 DAINED, that the register and clerks in chan-
 cery be appointed by the Chancellor; the clerks
 of the supreme court by the Judges of the said
 court; the clerk of the court of probates by the
 Judge of the said court; and the register and
 marshal of the court of admiralty by the Judge
 of the admiralty.----The said marshal, registers
 and clerks to continue in office during the plea-
 sure of those by whom they are to be appointed
 as aforesaid.

And

And that all Attorneys, Solicitors and Coun-
fellers at Law, hereafter to be appointed, be ap-
pointed by the court, and licensed by the first
judge of the court in which they shall respectively
plead or practise; and be regulated by the rules
and orders of the said courts.

Counsel-
lors, At-
torneys
and Solici-
tors at Law
how ap-
pointed.

XXVIII. AND BE IT FURTHER
ORDAINED, that where by this Convention
the duration of any office shall not be ascertained,
such office shall be construed to be held during
the pleasure of the Council of Appointment:
Provided that new commissions shall be issued to
judges of the county courts (other than to the
first judge) and to justices of the peace, once at
least in every three years.

Tenures of
offices,
which are
not posi-
tively as-
certained.
New com-
missions e-
very three
years to
judges of
county
courts, &c.

XXIX. That town clerks, supervisors, as-
sessors, constables and collectors, and all other
officers heretofore eligible by the people, shall al-
ways continue to be so eligible, in the manner di-
rected by the present or future acts of legislature.

Town
clerks, su-
pervisors,
assessors,
&c. how
eligible.

That loan officers, county treasurers, and
clerks of the supervisors, continue to be ap-
pointed in the manner directed by the present or
future acts of the legislature.

Loan offi-
cers, coun-
ty trea-
surers, &c.

XXX. That Delegates to represent this State
in the General Congress of the United States of
America, be annually appointed as follows, to
wit, The Senate and Assembly shall each openly
nominate as many persons as shall be equal to
the whole number of Delegates to be appointed;
after which nomination they shall meet together,
and those persons named in both lists shall be
Delegates; and out of those persons whose names

Delegates
in the Ge-
neral Con-
gress of the
United
States,
how ap-
pointed.

D are

are not in both lists, one half shall be chosen by the joint ballot of the Senators and Members of Assembly, so met together as aforesaid.

Stile of
laws and
writs.

XXXI. That the stile of all laws shall be as follows, *to wit*, BE IT ENACTED *by the people of the State of New-York, represented in Senate and Assembly.* And that all writs and other proceedings shall run in the name of *the people of the State of New-York*, and be tested in the name of the Chancellor or Chief Judge of the court from whence they shall issue.

Court of
Impeach-
ments and
of Errors.

XXXII. And this Convention doth further, in the name and by the authority of the good people of this State, ORDAIN, DETERMINE and DECLARE, that a court shall be instituted for the trial of Impeachments, and the Correction of Errors, under the regulations which shall be established by the legislature; and to consist of the President of the Senate, for the time being, and the Senators, Chancellor, and Judges of the Supreme Court, or the major part of them;

Manner of
proceed-
ing.

except that when an impeachment shall be prosecuted against the Chancellor, or either of the Judges of the Supreme Court, the person so impeached shall be suspended from exercising his office, until his acquittal: And in like manner, when an appeal from a decree in equity shall be heard, the Chancellor shall inform the court of the reasons of his decree, but shall not have a voice in the final sentence. And if the cause to be determined shall be brought up by writ of error on a question of law, on a judgment in the Supreme Court, the Judges of that Court shall assign the reasons of such their judgment, but shall not have a voice for its affirmance or reversal.

XXXIII. That

XXXIII. That the power of impeaching all ^{Power of} officers of the State, for mal and corrupt conduct ^{impeach-} in their respective offices, be vested in the repre- ^{ment.} sentatives of the people in assembly; but that it shall always be necessary that two third parts of the members present shall consent to and agree in such impeachment. That previous to the trial ^{Trial.} of every impeachment, the members of the said court shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence; and that no ^{Judgment.} judgment of the said court shall be valid, unless it shall be assented to by two third parts of the members then present; nor shall it extend farther than to removal from office, and disqualification to hold or enjoy any place of honour, trust or profit, under this State. But the party so convicted, shall be, nevertheless, liable and subject to indictment, trial, judgment and punishment, according to the laws of the land.

XXXIV. AND IT IS FURTHER ^{Counsel} ORDAINED, that in every trial on impeach- ^{allowed to} ment or indictment for crimes or misdemeanors, ^{persons} the party impeached or indicted shall be allowed ^{tried on} counsel, as in civil actions. ^{impeach-} ^{ment or in-} ^{dictment.}

XXXV. And this Convention doth further, in the name and by the authority of the good people of this State, ORDAIN, DETERMINE and DECLARE, that such parts of the com- ^{Laws of} mon law of England, and of the statute law of ^{the State.} England and Great-Britain, and of the acts of the legislature of the colony of New-York, as together did form the law of the said colony on the nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy-
D 2 five,

five, shall be and continue the law of this State; subject to such alterations and provisions, as the legislature of this State shall, from time to time, make concerning the same. That such of the said acts as are temporary, shall expire at the times limited for their duration respectively. That all such parts of the said common law, and all such of the said statutes, and acts aforesaid, or parts thereof, as may be construed to establish or maintain any particular denomination of Christians or their Ministers, or concern the allegiance heretofore yielded to, and the supremacy, sovereignty, government or prerogatives, claimed or exercised by the King of Great-Britain and his predecessors, over the colony of New-York and its inhabitants, or are repugnant to this constitution, be, and they hereby are, abrogated and rejected. And this Convention doth farther ordain, that the resolves or resolutions of the Congresses of the colony of New-York, and of the Convention of the State of New-York, now in force, and not repugnant to the government established by this Constitution, shall be considered as making part of the laws of this State; subject, nevertheless, to such alterations and provisions, as the legislature of this State may, from time to time, make concerning the same.

Regulation
of
grants of
land.

Charters
to bodies
politic.

XXXVI. AND BE IT FURTHER ORDAINED, that all grants of land within this State, made by the King of Great-Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void: But that nothing in this constitution contained, shall be construed to affect any grants of land, within this State, made by the authority of the
said

said King or his predecessors, or to annul any charters to bodies politic, by him or them or any of them, made prior to that day. And that none of the said charters shall be adjudged to be void by reason of any non-user or mis-user of any of their respective rights or privileges, between the nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy-five, and the publication of this constitution. And further, that all such of the officers described in the said charters respectively, as by the terms of the said charters, were to be appointed by the Governor of the colony of New-York, with or without the advice and consent of the Council of the said King, in the said colony, shall henceforth be appointed by the Council established by this constitution, for the appointment of officers in this State, until otherwise directed by the legislature.

Charter
officers.

XXXVII. AND WHEREAS it is of great importance to the safety of this State, that peace and amity with the Indians within the same, be at all times supported and maintained. AND WHEREAS, the frauds too often practised towards the said Indians, in contracts made for their lands, have, in divers instances, been productive of dangerous discontents and animosities; BE IT ORDAINED, that no purchases or contracts for the sale of lands made since the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, or which may hereafter be made with or of the said Indians, within the limits of this State, shall be binding on the said Indians, or deemed valid, unless made under the authority, and with the consent of the legislature of this State.

Purchases
or con-
tracts with
the Indians
for lands
regulated.

Freedom
of religious
profession
and wor-
ship.

XXXVIII. AND WHEREAS we are required by the benevolent principles of rational liberty, not only to expel civil tyranny, but also to guard against that spiritual oppression and intolerance, wherewith the bigotry and ambition of weak and wicked priests and princes, have scourged mankind: This Convention doth further, in the name and by the authority of the good people of this State, ORDAIN, DETERMINE and DECLARE, that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall for ever hereafter be allowed within this State to all mankind. Provided that the liberty of conscience hereby granted, shall not be so construed, as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

Ministers
of the gos-
pel to hold
no civil or
military
office.

XXXIX. AND WHEREAS the ministers of the gospel are, by their profession, dedicated to the service of God and the cure of souls, and ought not to be diverted from the great duties of their function; therefore, no minister of the gospel, or priest of any denomination whatsoever, shall, at any time hereafter, under any pretence or description whatever, be eligible to, or capable of holding any civil or military office or place, within this State.

XL. AND WHEREAS it is of the utmost importance to the safety of every State, that it should always be in a condition of defence; and it is the duty of every man, who enjoys the protection of society, to be prepared and willing to defend it; this Convention therefore, in the name and by the authority of the good people of
this

this State, doth **ORDAIN** **DETERMINE** and **DECLARE**, that militia of this State, *Militia.* at all times hereafter, as well in peace as in war, shall be armed and disciplined, and in readiness for service. That all such of the inhabitants of this State, being of the people called Quakers, *Exempti-* as from scruples of conscience, may be averse to the bearing of arms, be therefrom excused by the legislature; and do pay to the State such sums of money, in lieu of their personal service, as the same may, in the judgment of the legislature, be worth: And that a proper magazine of warlike *Magazines* stores, proportionate to the number of inhabitants, be, for ever hereafter, at the expence of this State, and by acts of the legislature, established, maintained, and continued in every county in this State.

XLII. And this Convention doth further **ORDAIN**, **DETERMINE** and **DECLARE**, *Trial by jury to remain inviolate forever.* in the name and by the authority of the good people of this State, that trial by jury, in all cases in which it hath heretofore been used in the colony of New-York, shall be established, and remain inviolate forever. And that no acts of attainder *No acts of attainder.* shall be passed by the legislature of this State, for crimes other than those committed before the termination of the present war; and that such *Exception.* acts shall not work a corruption of blood. And *No new courts to be instituted, but such as shall proceed according to the course of the common law.* further, that the legislature of this State shall, at no time hereafter, institute any new court or courts, but such as shall proceed according to the course of the common law.

XLII. And this Convention doth further, in the name and by the authority of the good people of this State, **ORDAIN**, **DETERMINE** and

Naturalization by
act of legislature.

and **DECLAR** **N** that it shall be in the discretion of the legislature to naturalize all such persons, and in such manner as they shall think proper; provided all such of the persons, so to be by them naturalized, as being born in parts beyond sea, and out of the United States of America, shall come to settle in, and become subjects of this State, shall take an oath of allegiance to this State, and abjure and renounce all allegiance and subjection to all and every foreign King, Prince, Potentate and State, in all matters ecclesiastical as well as civil.

By order,

LEONARD GANSEVOORT, Pref. pro tem.

In CONVENTION of the REPRESENTATIVES of the State of NEW-YORK, KINGSTON, *April 20, 1777.*

RESOLVED, That Mr. Robert R. Livingston, General Scott, Mr. Morris, Mr. Abraham Yates, Mr. Jay and Mr. Hobart be a Committee to prepare and report a plan for organizing and establishing the government agreed to by this Convention.

Extract from the minutes,

JOHN M'KESSON, Secretary.

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